

**Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, DC 20554**

In the Matter of:

Digital Audio Broadcasting Systems)
And Their Impact On the Terrestrial Radio)
Broadcast Service.)

MM Docket No. 99-325

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WASHINGTON, DC 20554
OFFICE OF THE SECRETARY

REPLY COMMENTS OF JOINT BROADCASTERS

The undersigned Channel 6 stations¹ and the Association for Maximum Service Television, Inc. ("MSTV")² (collectively, "Joint Broadcasters") submit these reply comments to the above-captioned *Notice of Proposed Rule Making*, released November 1, 1999 (the "Notice").³ Like the majority of comments in this matter, we urge that the Commission adopt the In-Band, On-Channel ("IBOC") model for implementing digital audio broadcasting ("DAB"). We strongly urge the Commission to reject the new spectrum model, in which the Commission will take the six megahertz of spectrum currently assigned to television broadcast Channel 6 and reallocate it for DAB. The cost of this proposal to the public's free, over-the-air television service significantly outweighs its benefits for DAB. In addition, this option is not effective as an exclusive plan for transitioning to DAB, as six megahertz of spectrum will accommodate only a fraction of existing radio broadcasters, stranding many of the public's radio services without a transition path to digital.

¹ The undersigned Channel 6 stations include 27 stations with analog or digital Channel 6 assignments.

² MSTV represents nearly 400 local television stations on technical issues relating to analog and digital television services. It played a central role in developing the methodology for allotting and assigning digital television ("DTV") channels.

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List A B C D E

I. COMMENTS FILED IN SUPPORT OF THE NEW SPECTRUM PROPOSAL FAIL TO TAKE INTO ACCOUNT THE COSTS OF THIS OPTION.

While comments filed in support of the new spectrum proposal make a heartfelt appeal in favor of DAB, they do not take into account the many costs and devastating impact the proposal will have on the millions of Americans who rely on Channel 6 for television broadcast service. They fail to recognize that the same public they want to serve via DAB will be deprived of valuable television broadcast service under the proposal. Therefore, these filings are not helpful to the Commission as it makes a cost-benefit analysis of the proposal, which it is obligated to do whenever it allocates spectrum.

While supporters of the new spectrum proposal extol the virtues of DAB, they do not address, let alone refute, the special propagation characteristics of Channel 6 for the public's television service,⁴ or the Commission's already-made and well-considered decision to retain Channel 6 in the DTV core.⁵ Supporters of reallocating television Channel 6 also do not address or refute the disadvantages of the spectrum reallocation proposal, which include the decade-long delay it will create in the rollout of DAB, the equipment modification that will be required in order to include new spectrum on radio receivers,⁶ and the complications of creating an

³ See *In re Digital Audio Broadcasting Systems And Their Impact On The Terrestrial Radio Broadcast Service, Notice of Proposed Rule Making* (MM Docket No. 99-325) (rel. Nov. 1, 1999).

⁴ See Comments of Cordillera Communications, Inc. at 4; Comments of Forum Communications Co. at 2-3; Comments of Hearst-Argyle Television, Inc. at 4-5.

⁵ See Comments of the Association of America's Public Television Stations at 3; Comments of Freedom Communications, Inc. at 3-5; Comments of Hearst-Argyle Television, Inc. at 3-4.

⁶ See Comments of Cordillera Communications, Inc. at 6; Comments of Hearst-Argyle Television, Inc. at 7-8; Comments of USA Digital Radio, Inc. at 22.

allocation scheme for the new spectrum.⁷ In addition, Joint Broadcasters reemphasize the difficulties the new spectrum proposal will generate for the Commission's carefully crafted transition to digital television, as NTSC Channel 6 broadcasters who had planned to move their digital operations to Channel 6 are denied the option of reverting to that channel after the DTV transition.⁸ This problem will be particularly severe for those stations with out of core digital assignments, who will require new spectrum to be able to transition to their digital operations.⁹

As demonstrated on the map attached to Joint Broadcasters' initial comments, even if Channel 6 spectrum were sufficient to accommodate all existing radio stations, which it is not, this spectrum will not be available in the vast majority of the country until 2007 at the earliest, when television broadcast stations make the transition to digital.¹⁰ IBOC, on the other hand, can serve virtually all Americans almost immediately. Adopting the new spectrum proposal will impede the transition to DAB while generating few if any new benefits for the listening public, many of whom will experience a net loss due to denial of Channel 6 television broadcast service.

⁷ See Comments of Infinity Broadcasting Corp. at 16-17; Comments of the National Association of Broadcasters ("NAB") at 5-6; Comments of Susquehanna Radio Corp. at 3-4; Comments of USA Digital Radio, Inc. at 21-22.

⁸ See Comments of the Association of America's Public Television Stations at 3-4; Comments of Freedom Communications, Inc. at 4-5; Comments of Hearst-Argyle Television, Inc. at 5-6; Comments of the NAB at 5.

⁹ See Comments of Channel 6 Public Television Stations at 3-4.

¹⁰ See Comments of Cordillera Communications, Inc. at 2-3; Comments of Hearst-Argyle Television, Inc. at 5; Comments of Infinity Broadcasting Corp. at 17; Comments of NAB at 5; Comments of USA Digital Radio, Inc. at 23.

II. IT IS UNDISPUTED THAT SIX MEGAHERTZ OF SPECTRUM IS INSUFFICIENT TO ACCOMMODATE DAB SERVICE FOR ALL EXISTING RADIO BROADCASTERS.

Six megahertz of spectrum is insufficient to accommodate all existing AM and FM broadcasters;¹¹ however, many writing in support of the Channel 6 spectrum reallocation proposal ignore this important fact.¹² Because six megahertz of spectrum is insufficient for all radio broadcasters to transition to DAB, the Commission will need to adopt IBOC as well. The only reason to adopt both IBOC, which can accommodate all existing broadcasters, and the new spectrum proposal, which cannot, is to increase the number of radio stations in the country. However, no comments explain why the Commission should add new radio stations at the expense of a television broadcast channel that offers valuable and unique service to tens of millions of Americans.

A few commenters, including National Public Radio, suggest that the Commission use Channel 6 spectrum to expand radio services;¹³ however, no one explains why this is necessary or beneficial to the listening public, which already has more than 12,500 AM and FM stations available to it. Not a single commenter demonstrates that the benefit to the public of an expanded number of radio stations outweighs the harm to the public of losing television Channel 6.¹⁴

¹¹ See, e.g., Comments of the Consumer Electronics Association at 13 (“Past studies have shown that at least 30 MHz of contiguous spectrum is required to deploy a Eureka-147-based system with channels enough to support a transition of existing analog broadcasters with a DAB outlet.”); Comments of USA Digital Radio, Inc. at 20-21.

¹² See, e.g., Comments of Kenneth W. Bowles; Comments of David S. Forsman; Comments of Picture Radio Communications.

¹³ See Comments of National Public Radio (“NPR”) at 7-8.

¹⁴ NPR, for example, emphasizes that Channel 6 spectrum can be used to expand noncommercial educational radio services, see Comments of NPR at 7-11, but ignores the fact that Channel 6 is (continued...)

* * *

A careful weighing of the costs and benefits of the new spectrum proposal clearly demonstrates that IBOC is the most appropriate, least intrusive means to implement DAB. It will benefit all Americans without imposing the cost of losing a uniquely beneficial television broadcast service. The Commission should retain Channel 6 television broadcast spectrum for free, over-the-air television broadcast service and accommodate DAB within existing radio spectrum.

home to eight noncommercial educational television stations that will be impacted by this proposal. Four of these noncommercial stations have out-of-core DTV assignments, leaving them with nowhere to go after the digital transition.

Respectfully submitted,

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